

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE EVERGREEN ULTRA SHORT) No. 1:08-CV-11064-NMG
OPPORTUNITIES FUND SECURITIES)
LITIGATION) CLASS ACTION
)
)
)

**LEAD PLAINTIFFS' UNOPPOSED MOTION FOR
PRELIMINARY APPROVAL OF PROPOSED SETTLEMENT**

Court-appointed Lead Plaintiffs and Class Representatives International Brotherhood of Electrical Workers Local 98, NECA Electrical Workers Joint Apprenticeship Training Trust Fund, First Agency Account LP, Bricklayers and Allied Craftworkers Local 1 of PA/DE Health and Welfare Fund, and the Bricklayers Local 54 of Pennsylvania Supplemental Welfare Fund (collectively, "Lead Plaintiffs"), by and through undersigned counsel, hereby move the Court, pursuant to Fed. R. Civ. P. 23(e), for an order:

- (1) preliminarily approving the proposed settlement in this action ("Settlement") as memorialized in the Stipulation of Settlement ("Stipulation"),¹ attached hereto as Exhibit A;
- (2) approving the form of class notice described in the Notice of Proposed Settlement of Class Action ("Notice"), attached hereto as Exhibit A-1;
- (3) approving the form of the Claim Information Form and Release ("Claim Information Form"), attached hereto as Exhibit A-2;
- (4) approving the form of the Summary Notice ("Publication Notice"), attached hereto as Exhibit A-3;

¹ The Stipulation contains all material terms of the Settlement, including, *inter alia*, the manner and form of notice to the Class and the contingencies or conditions to the Settlement's final approval.

(5) approving the form of the Special Notice to Class Members Who Previously Requested to be Excluded Form the Class, and Form of Request for Revocation of Exclusion (“Special Notice”), attached hereto as Exhibit A-4;

(6) scheduling a hearing to determine whether the Settlement should be given final approval (“Settlement Hearing”); and

(7) establishing dates for submission of Claim Information Forms, dissemination of the Notice, and other relevant deadlines.

This motion is made upon the grounds that the parties, by and through their respective counsel, have entered into the Stipulation which provides for dismissal of this action, pursuant to Fed. R. Civ. P. 23(e), upon the terms and conditions specified therein and subject to the approval of the Court.

In support of this motion, Lead Plaintiffs submit herewith a memorandum of law, the Stipulation and exhibits annexed thereto, the pleadings and other files herein and such other written or oral arguments as may be permitted by the Court.²

Dated: June 29, 2012

Respectfully submitted,

Robbins Geller Rudman & Dowd LLP

s/JACK REISE

Jack Reise
120 East Palmetto Park Road, Suite 500
Boca Raton, FL 33432
(561) 750-3000

² Counsel for Lead Plaintiffs have conferred with opposing counsel pursuant to L.R. 7.1(A)(2) and they consent to this motion.

Cohen, Placitella & Roth, P.C.

s/STEWART L. COHEN

Stewart L. Cohen

Michael Coren

Stuart J. Guber

Two Commerce Square, Suite 2900

Philadelphia, PA 19103

(215) 567-3500

Evangelista & Associates, LLC

s/JAMES EVANGELISTA

James Evangelista

One Glenlake Parkway, Suite 700

Atlanta, GA 30328

(404) 478-7195

*Class Counsel and Lead Counsel for
Plaintiffs*

Pyle Rome Ehrenberg, P.C.

Betsy Ehrenberg, BBO #554628

18 Tremont Street, Suite 500

Boston, MA 02108

Telephone: 617/367-7200

Facsimile: 617/367-4820

Liaison Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on June 29, 2012, I electronically filed the foregoing with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or *pro se* parties either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/JACK REISE